

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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|------------------------|---|---------------------------------------|
| TRICIA RAYLENE LESLIE, |) | Case No.: 1:24-cv-0915 JLT SAB |
| |) | |
| Plaintiff, |) | ORDER ADOPTING FINDINGS AND |
| |) | RECOMMENDATIONS, GRANTING |
| v. |) | DEFENDANT’S MOTION TO DISMISS, AND |
| |) | DISMISSING THE FOURTH CAUSE OF ACTION |
| GENERAL MOTORS LLC, |) | FOR VIOLATIONS OF CALIFORNIA’S UNFAIR |
| |) | COMPETITION LAW WITHOUT LEAVE TO |
| Defendants. |) | AMEND |
| |) | |
| |) | (Docs. 7, 11) |

Tricia Raylene Leslie purchased a Chevrolet Bolt manufactured by General Motors, which she asserts was defective. Plaintiff seeks to hold Defendant liable for violations of California’s Song Beverly Act and California’s Unfair Competition Law, as set forth in Cal. Bus. & Prof. Code § 17200. (*See generally* Doc. 1-3.) Defendant moved to dismiss Plaintiff’s UCL claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. 7.) Plaintiff did not oppose the motion.

The magistrate judge found Plaintiff failed to state a cognizable claim for a violation of the UCL, under each of the three prongs—fraud, unfair practices, and unlawful business practice—enumerated under Cal. Bus. & Prof. Code § 17200. (Doc. 11 at 6-10.) In addition, the magistrate judge found that “Plaintiff has an adequate remedy at law under the [Song Beverly] Act,” and Plaintiff did not establish equitable jurisdiction over the UCL claim. (*Id.* at 11.) Therefore, the magistrate judge recommended the UCL claim be dismissed without leave to amend. (*Id.* at 12.)

1 The Court served the Findings and Recommendations on the parties and notified them that any
2 objections were due within 14 days. (Doc. 11 at 12.) The Court advised Plaintiff that the “failure to
3 file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing
4 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
5 time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
7 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
8 by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations dated September 13, 2024 (Doc. 11) are
10 **ADOPTED** in full.
- 11 2. Defendant’s motion to dismiss the Fourth Cause of Action (Doc. 7) is **GRANTED**.
- 12 3. Plaintiff’s claim for a violation of California’s Unfair Competition Law is
13 **DISMISSED** without leave to amend.

14
15 IT IS SO ORDERED.

16 Dated: **October 1, 2024**


UNITED STATES DISTRICT JUDGE